

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 10-1587

Tami Smith, as Personal Representative of the
Estate of Velda Smith, deceased,

Plaintiff - Appellant

v.

Gary Bubak, M.D.; Wagner Community Memorial Hospital,
a South Dakota Corporation; Bubak Medical Clinic;
Avera Health, a South Dakota Corporation; Avera Sacred
Heart Hospital,

Defendants - Appellees

Appeal from U.S. District Court for the District of South Dakota - Sioux Falls
(4:08-cv-04023-LLP)

JUDGMENT

This appeal from the United States District Court was submitted on the record of the district court, briefs of the parties and was argued by counsel.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

June 24, 2011

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans